

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

TAMMY WEAVER,)	CASE NO.: 1:13 CV 303
)	
Plaintiff,)	JUDGE DONALD C. NUGENT
)	
v.)	<u>ORDER ADOPTING</u>
)	<u>REPORT AND RECOMMENDATION</u>
COMMISSIONER OF)	
SOCIAL SECURITY,)	
)	
Defendant.)	

This matter comes before the Court upon the Report and Recommendation of Magistrate Judge Kathleen B. Burke. The Report and Recommendation (ECF #16) is hereby ADOPTED. Plaintiff filed this action seeking judicial review of the Commissioner of Social Security's decision denying her applications for Disability Insurance Benefits ("DIB") and Supplemental Security Income ("SSI"). The Commissioner moved to dismiss Plaintiff's Complaint for lack of subject matter jurisdiction, asserting that the Administrative Law Judge's order dismissing Plaintiff's request for hearing was not a "final decision" under 42 U.S.C. § 405(g), and that Plaintiff had thus failed to exhaust her administrative remedies. Magistrate Judge Burke recommended that this Court grant the Commissioner of Social Security's Motion to Dismiss. No timely objections have been filed.

This Court has reviewed *de novo* Magistrate Judge Burke's Report and Recommendation, *see Ohio Citizen Action v. City of Seven Hills*, 35 F. Supp. 2d 575, 577 (N.D. Ohio 1999), and

finds that it is thorough and well-supported. This Court, therefore, ADOPTS the Magistrate Judge's Report and Recommendation in its entirety. The Commissioner of Social Security's Motion is GRANTED, and the case DISMISSED.

IT IS SO ORDERED.

/s/ Donald C. Nugent
JUDGE DONALD C. NUGENT
United States District Judge

DATED: 3/25/2014